

MAR 4 - 2009

ROBERT A. SHERWELL, CLERK
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ROSE MEYER

CIVIL ACTION NO. 08-0268

VERSUS

JUDGE ROBERT G. JAMES

THE ARBOR & TERRACE SENIOR
CENTER OF RUSTON, LLC

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court is Defendant The Arbor and Terrace Senior Center of Ruston's ("the Arbor") Motion to Vacate With Incorporated Memorandum [Doc. No. 29]. The Arbor seeks to set aside the Notice of Entry of Default [Doc. No. 21] entered by the Clerk of Court on October 1, 2008.

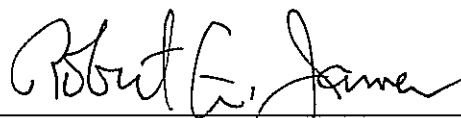
The Court may set aside a default for "good cause." FED. R. CIV. P. 55(c). In making this determination, the Court must consider (1) whether the default was willful; (2) whether setting it aside would prejudice the adversary; and (3) whether a meritorious defense is presented. *CJC Holdings, Inc. v. Wright & Lato, Inc.*, 979 F.2d 60, 64 (5th Cir. 1992).

As justification for setting aside the default, the Arbor states **only** that it "did not receive notice that a motion for default judgment had been filed." The record, however, indicates that copies of the Motion for Entry of Default [Doc. No. 20], the Notice of Entry of Default [Doc. No. 21], and the Motion for Default Judgment [Doc. No. 23] were physically mailed to the Arbor by the Clerk's

Office.¹ It, therefore, appears² that the Arbor has failed to offer good cause for setting aside the default.

Because default judgments are disfavored, the Court will permit the Arbor to file a supplemental memorandum to establish good cause by **March 9, 2009**.

MONROE, LOUISIANA, this 4 day of March, 2009.

A handwritten signature in cursive script, reading "Robert G. James".

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE

¹The Court notes that Plaintiff failed to attach a certificate of service to the Motion for Default Judgment [Doc. No. 23]. Cf. LR5.3.

²The Arbor does not argue that the copies were mailed to an incorrect address.